



Public Notice

Applicant:

The Smith Land
Company, Inc.

Date:

Published: Sept. 26, 2000

Expires: Oct. 26, 2000

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-CO-R RE: 2000-01900(0)** **Section: OH 404**

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mr. Robert G. Smith, on behalf of The Smith Land Company, Inc., 2891 Hudson-Aurora Road, Hudson, Ohio 44236, has requested a Department of the Army (DA) Permit for authorization to work and place fill in a water of the United States in connection with the construction of a 13-home residential subdivision. The project is located off of Beachler Road, in the City of Tallmadge, Summit County, Ohio.

Department of the Army authorization is required to place fill in 0.68 acre of wetland.

The project consists of the following:

a. The applicant proposes to extend Beachler Road to the north from its current terminus and this new road will end in a cul-de-sac. Approximately 0.27 acre of wetland was filled within the road right-of-way after the applicant acquired the property in November of 1999.

b. A second cul-de-sac will be constructed off the west side of the proposed Beachler Road extension. There are 13 sublots proposed for this development. A total of 1.2 acres of wetland was delineated on the subject property, of which 0.27 acre has already been impacted. Wetland "C" in Area 2 is not proposed to be impacted. The 0.68 acre of total impact includes this existing fill area plus 0.41 acre of proposed fill on sublots 1-2 and 12-13.

As mitigation for the unavoidable impacts to wetlands on this property, the applicant has proposed the donation of a 0.2 acre off-site area to Summit County Metroparks. In addition, a conservation easement will be placed on 1.75 acres of on-site, mostly upland woods.

The applicant's stated purpose for this project is to provide single family housing.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Martin P. Wargo, who can be contacted by calling (716) 879-4116, or by e-mail at: martin.p.wargo@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Martin P. Wargo, or by e-mail at: martin.p.wargo@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

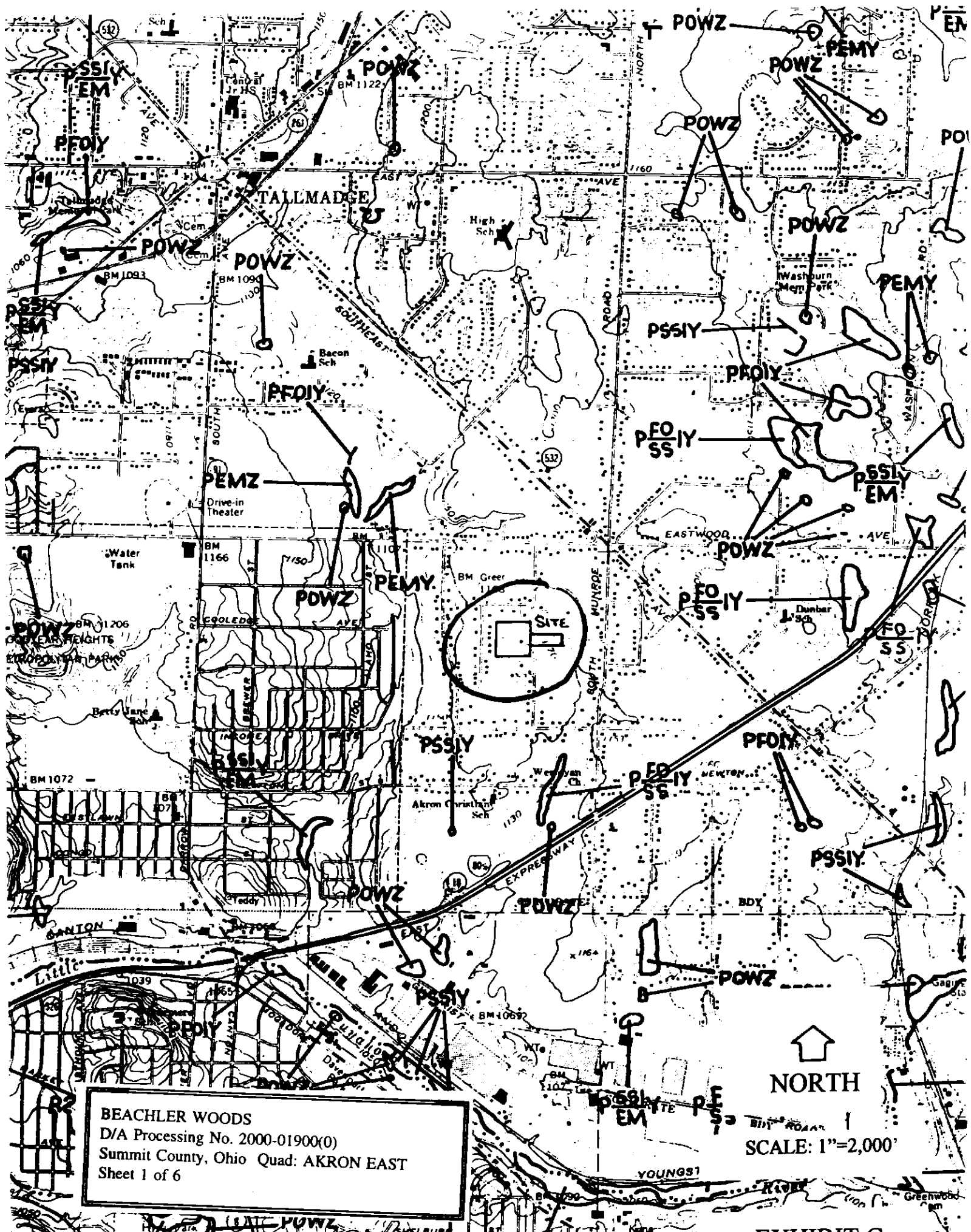
preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Kathleen M. Ryan

for

Paul G. Leuchner
Chief, Regulatory Branch

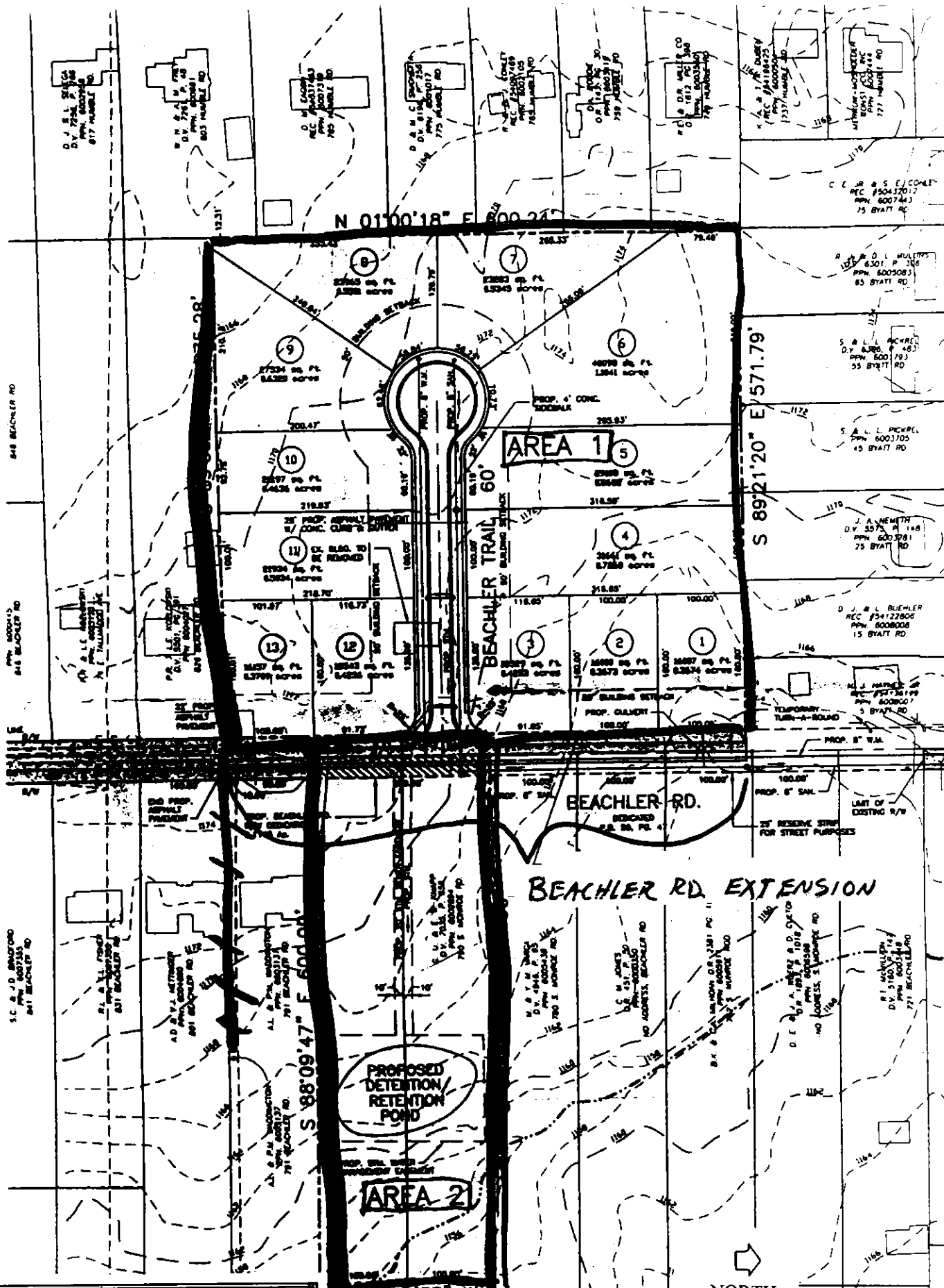
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



BEACHLER WOODS
D/A Processing No. 2000-01900(0)
Summit County, Ohio Quad: AKRON EAST
Sheet 1 of 6

NORTH
SCALE: 1"=2,000'

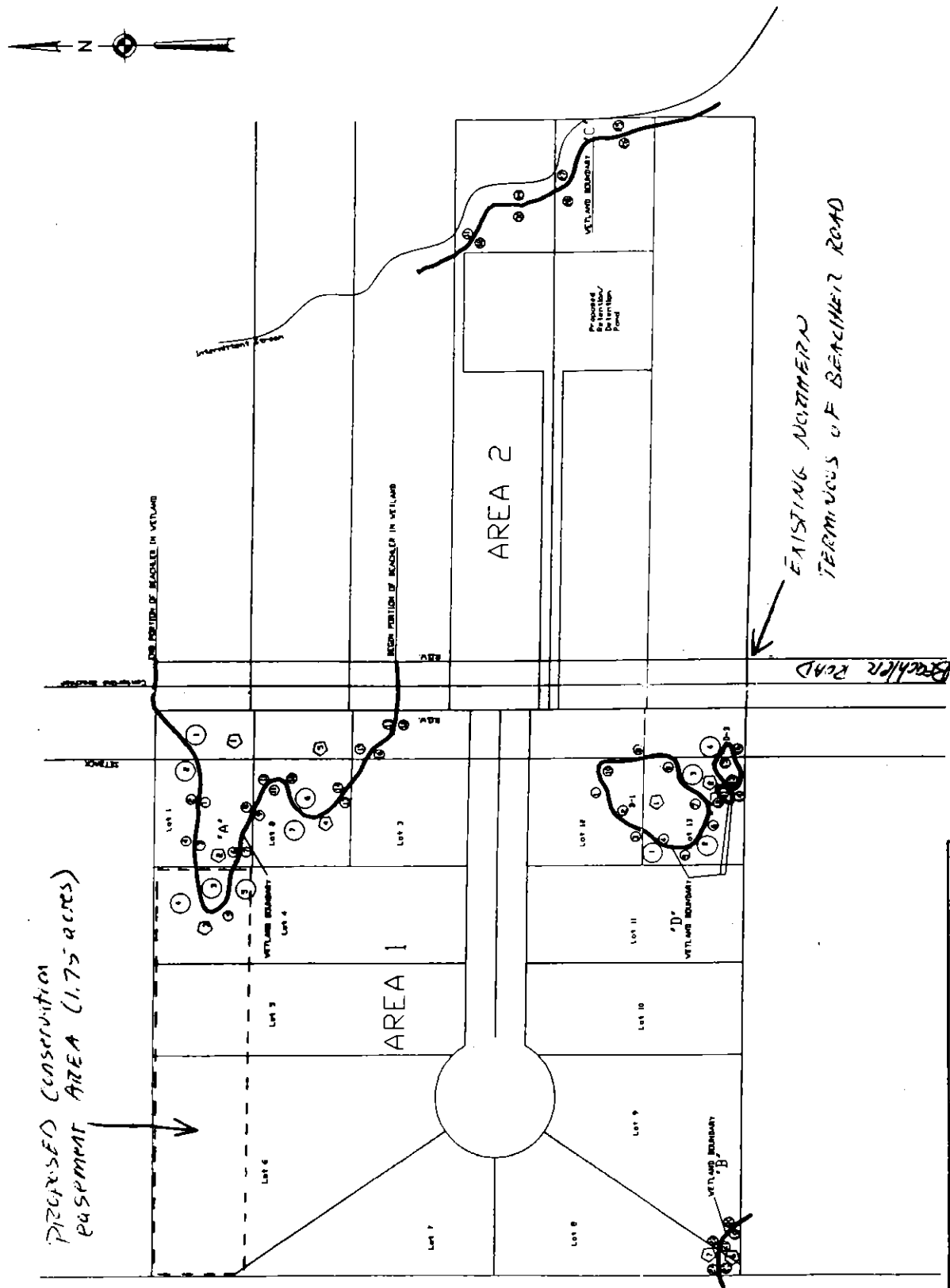
EXHIBIT C



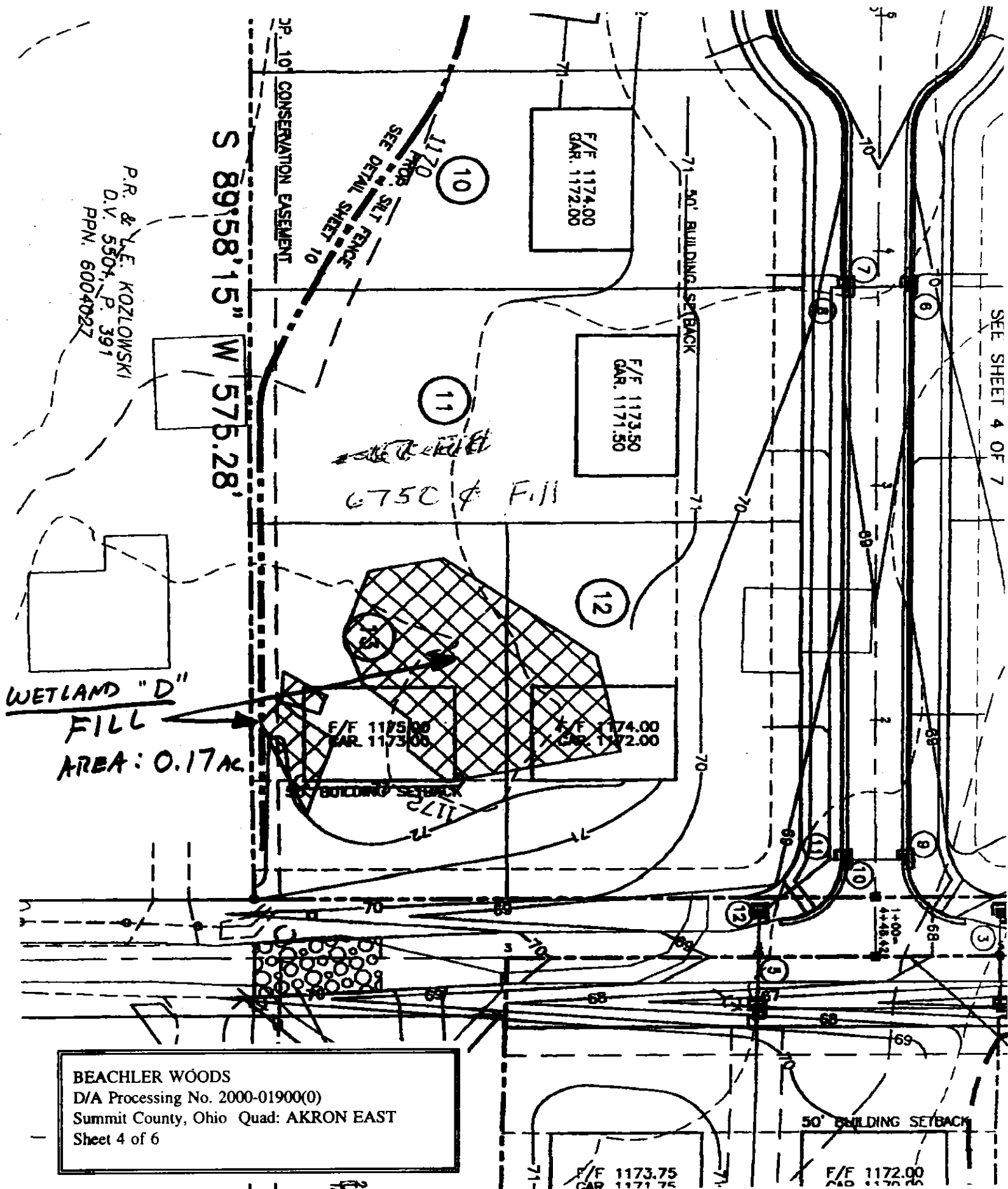
BEACHLER WOODS
 D/A Processing No. 2000-01900(0)
 Summit County, Ohio Quad: AKRON EAST
 Sheet 2 of 6

NORTH
 SCALE: 1"=100'
 EXHIBIT A

"WETLAND DELINEATION"



BEACHLER WOODS
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Summit County, Ohio Quad: AKRON EAST
Sheet 3 of 6



BEACHLER WOODS
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Summit County, Ohio Quad: AKRON EAST
Sheet 4 of 6

J.A. NEMETH
D.V. 5575, P. 148
PPN. 6003781

D.V. & L. BUEHLER
REC. #54122806
PPN. 6008008

H.J. HAYNES JR.
REC. #54136199
PPN. 6008007

BENCH MARK #2

CULVERT

WETLAND "A"

571.79'

CONSERVATION
EASEMENT
AREA (1.75AC)

PROP. SILT FENCE
AROUND INLET (TYP.)
SEE DETAIL SHEET 10

F/F 1173.50
GAR. 1171.50

F/F 1172.75
GAR. 1170.75

50' BUILDING SETBACK

ROAD BEND CIRCLE 60'
SEE SHEET 4 OF 7

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--- APPROX. AREA OF EXISTING FILL (0.27 acre)

--- WETLAND AREAS PRESERVED

--- WETLAND AREAS FILLED (0.236 acre)

